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# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/218,060 | 12/21/1998 | SLOVAK ONDREJ SUCH | 777.162US1 | 3598 |

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| EXAMINER |
|---|
| ANYA, CHARLES E |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2126 | 14 |

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | | Applicati n N . | Applicant(s) |
|---|---|---|---|
| **Offic Action Summary** | | 09/218,060 | SUCH, SLOVAK ONDREJ |
| | | Examin r | Art Unit |
| | | Charles E Anya | 2126 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --*

**Period f r Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>03 November 2003</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-19* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      **Claims 1,3-5,7-9,11-14,16-19 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over U.S. Pat. No. 5,619,710 to Travis, jr. et al. in view of U.S. Pat.**

**No. 6,557,165 B1 to Nagashima et al.**

3.      As to claim 1, Travis teaches a dynamic object storage scheme for storing a

plurality of objects ("...storage scheme..." Col. 13 Ln. 47 – 67, Col. 14 Ln. 1 – 45), a

dynamic dispatch scheme for invoking an action that belongs to one of a plurality of

categories ("...EDIT..." Col. 24 Ln. 40 – 58, "...set of messages 520..." Col. 10 Ln. 48 –

67, Col. 11 Ln. 1 – 5), the plurality of categories needing one object (Application Class

485 Col. 9 Ln. 35 – 40) and an object recognition scheme for providing a description of

each object, the description allowing a determination of whether the object fits an

application programming interface (ACAS Software Component 620 Col. 12 Ln. 7 – 43,

Loader/Unloader Software Component 1010 Col. 16 Ln. 15 – 55, Col. 18 Ln. 33 – 67,

Invoker Software Components 1236 and 1336/method resolution Col. 20 Ln. 16 – 43,

Step 1375 Col. 21 Ln. 25 – 30, Col. 22 Ln. 35 – 50, Col. 23 Ln. 50 – 67, Step

1560/Auxiliary software Components 1237 and 1337 Col. 24 Ln. 1 – 39).

The plurality of categories that includes needing no object is not explicitly taught,

however this limitation is inherent because during the creation of objects in this system

the constructor receives a message to create the object but does not need an object in

order to complete the object creation.

Travis is silent with respect to the plurality of categories that include needing more than

one object.

Nagashima teaches the plurality of categories that include needing more than one

object ("...hierarchical structure..." Col. 52 Ln. 16 – 31). It would have been obvious to

apply the teaching of Nagashima to the system of Travis. One would have been

motivated to make such a modification in order to transfer data between objects (Col. 52

Ln. 16 – 19).


4.      As to claim 3, Travis teaches the objects as described via the object recognition

scheme to include a series of tokens whereby each of the token relates to an attribute of

the object (Platform_Type A, Platform_Type B Col. 24 Ln. 59 – 67, DYNAMIC_LOAD

Col. 25 Ln. 47 – 62).


5.      As to claim 4, Travis teaches the dynamic dispatch scheme as providing for

execution of objects based on unpacked-into-messages events (Step 1598 Col. 26 Ln.

49 – 67, Col. 1 – 18).

6.     As to claim 5, Travis teaches a dynamic object storage scheme for storing a

plurality of objects ("...storage scheme..." Col. 13 Ln. 47 – 67, Col. 14 Ln. 1 – 45), a

dynamic dispatch scheme for invoking an action that belongs to one of a plurality of

categories ("...EDIT..." Col. 24 Ln. 40 – 58, "...set of messages 520..." Col. 10 Ln. 48 –

67, Col. 11 Ln. 1 – 5), the plurality of categories needing one object (Application Class

485 Col. 9 Ln. 35 – 40) and an object recognition scheme for providing a description of

each object, the description allowing a determination of whether the object fits an

application programming interface (ACAS Software Component 620 Col. 12 Ln. 7 – 43,

Loader/Unloader Software Component 1010 Col. 16 Ln. 15 – 55, Col. 18 Ln. 33 – 67,

Invoker Software Components 1236 and 1336/method resolution Col. 20 Ln. 16 – 43,

Step 1375 Col. 21 Ln. 25 – 30, Col. 22 Ln. 35 – 50, Col. 23 Ln. 50 – 67, Step

1560/Auxiliary software Components 1237 and 1337 Col. 24 Ln. 1 – 39).

The plurality of categories that includes needing no object is not explicitly taught,

however this limitation is inherent because during the creation of objects in this system

the constructor receives a message to create the object but does not need an object in

order to complete the object creation.

Travis is silent with respect to the plurality of categories that include needing more than

one object.

Nagashima teaches the plurality of categories that include needing more than one

object ("...hierarchical structure..." Col. 52 Ln. 16 – 31). It would have been obvious to

apply the teaching of Nagashima to the system of Travis. One would have been

motivated to make such a modification in order to transfer data between objects (Col. 52 Ln. 16 – 19).

7.    As to claim 7, Travis teaches the objects as described via the object recognition scheme to include a series of tokens whereby each of the token relates to an attribute of the object (Platform_Type A, Platform_Type B Col. 24 Ln. 59 – 67, DYNAMIC_LOAD Col. 25 Ln. 47 – 62).

8.    As to claims 8, Travis teaches the dynamic dispatch scheme as providing for execution of objects based on unpacked-into-messages events (Step 1598 Col. 26 Ln. 49 – 67, Col. 1 – 18).

9.    As to claim 9, Travis teaches a Processor (CPU 100, CPU 200, CPU 300 Col. 5 Ln. 31 – 67), Computer-Readable Medium (Memory150, Memory 250, Memory 350 Col. 5 Ln. 31 – 67, Col. 12 Ln. 1 – 67), a dynamic object storage scheme for storing a plurality of objects ("...storage scheme..." Col. 13 Ln. 47 – 67, Col. 14 Ln. 1 – 45), a dynamic dispatch scheme for invoking an action that belongs to one of a plurality of categories ("...EDIT..." Col. 24 Ln. 40 – 58, "...set of messages 520..." Col. 10 Ln. 48 – 67, Col. 11 Ln. 1 – 5), the plurality of categories needing one object (Application Class 485 Col. 9 Ln. 35 – 40) and an object recognition scheme for providing a description of each object, the description allowing a determination of whether the object fits an application programming interface (ACAS Software Component 620 Col. 12 Ln. 7 – 43,

Loader/Unloader Software Component 1010 Col. 16 Ln. 15 – 55, Col. 18 Ln. 33 – 67,

Invoker Software Components 1236 and 1336/method resolution Col. 20 Ln. 16 – 43,

Step 1375 Col. 21 Ln. 25 – 30, Col. 22 Ln. 35 – 50, Col. 23 Ln. 50 – 67, Step

1560/Auxiliary software Components 1237 and 1337 Col. 24 Ln. 1 – 39).

The plurality of categories that includes needing no object is not explicitly taught,

however this limitation is inherent because during the creation of objects in this system

the constructor receives a message to create the object but does not need an object in

order to complete the object creation.

Travis is silent with respect to the plurality of categories that include needing more than

one object.


10.     As to claim 11, Travis teaches the objects as described via the object recognition

scheme to include a series of tokens whereby each of the token relates to an attribute of

the object (Platform_Type A, Platform_Type B Col. 24 Ln. 59 – 67, DYNAMIC_LOAD

Col. 25 Ln. 47 – 62).


11.     As to claims 12, Travis teaches the dynamic dispatch scheme as providing for

execution of objects based on unpacked-into-messages events (Step 1598 Col. 26 Ln.

49 – 67, Col. 1 – 18).

12.     As to claims 13, Travis teaches the computer of claim 9, wherein the computer-readable medium is a memory (Memory150, Memory 250, Memory 350 Col. 5 Ln. 31 – 67, Col. 12 Ln. 1 – 67).


13.     As to claim 14, Travis teaches a dynamic object storage scheme for storing a plurality of objects ("...storage scheme..." Col. 13 Ln. 47 – 67, Col. 14 Ln. 1 – 45), a dynamic dispatch scheme for invoking an action that belongs to one of a plurality of categories ("...EDIT..." Col. 24 Ln. 40 – 58, "...set of messages 520..." Col. 10 Ln. 48 – 67, Col. 11 Ln. 1 – 5), the plurality of categories needing one object (Application Class 485 Col. 9 Ln. 35 – 40) and an object recognition scheme for providing a description of each object, the description allowing a determination of whether the object fits an application programming interface (ACAS Software Component 620 Col. 12 Ln. 7 – 43, Loader/Unloader Software Component 1010 Col. 16 Ln. 15 – 55, Col. 18 Ln. 33 – 67, Invoker Software Components 1236 and 1336/method resolution Col. 20 Ln. 16 – 43, Step 1375 Col. 21 Ln. 25 – 30, Col. 22 Ln. 35 – 50, Col. 23 Ln. 50 – 67, Step 1560/Auxiliary software Components 1237 and 1337 Col. 24 Ln. 1 – 39).
The plurality of categories that includes needing no object is not explicitly taught, however this limitation is inherent because during the creation of objects in this system the constructor receives a message to create the object but does not need an object in order to complete the object creation.
Travis is silent with respect to the plurality of categories that include needing more than one object.

Nagashima teaches the plurality of categories that include needing more than one

object ("...hierarchical structure..." Col. 52 Ln. 16 – 31). It would have been obvious to

apply the teaching of Nagashima to the system of Travis. One would have been

motivated to make such a modification in order to transfer data between objects (Col. 52

Ln. 16 – 19).

14.     As to claim 16, Travis teaches the objects as described via the object recognition

scheme to include a series of tokens whereby each of the token relates to an attribute of

the object (Platform_Type A, Platform_Type B Col. 24 Ln. 59 – 67, DYNAMIC_LOAD

Col. 25 Ln. 47 – 62).

15.     As to claims 17, Travis teaches the dynamic dispatch scheme as providing for

execution of objects based on unpacked-into-messages events (Step 1598 Col. 26 Ln.

49 – 67, Col. 1 – 18).

16.     As to claim 18, Although Travis does not explicitly teach a compact disc read

only memory (CD-ROM)/floppy disk, it would have been obvious for one of ordinary skill

in the art to implement the computer-readable medium to include a compact disc read

only memory (CD-ROM) in order to provide a removable/portable memory.

17.     As to claim 19, Although Travis does not explicitly teach a compact disc read

only memory floppy disk, it would have been obvious for one of ordinary skill in the art to

implement the computer-readable medium to include a compact disc read only memory

(CD-ROM)/floppy disk in order to provide a removable/portable memory.

**18.    Claims 2,6,10 and 15 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over U.S. Pat. No. 5,619,710 to Travis, jr. et al. in view of U.S. Pat.**

**No. 6,557,165 B1 to Nagashima et al. as applied to claim 1,5,9 and 14 above, and**

**further in view of U.S. Pat. No. 5,737,611 to Vicik.**

19.    As to claim 2, Travis is silent with respect to the plurality of objects as stored via

the dynamic object storage scheme are accessible utilizing a recyclable locking

mechanism.

Vicik teaches the plurality of objects as stored via the dynamic object storage scheme

as being accessible utilizing a recyclable locking mechanism.

("...re-use..." Col. 10 Ln. 49 – 57). It would have been obvious to apply the teaching of

Vicik to the system of Travis. One would have been motivated to make such a

modification in order to assign low granularity locks to processes (Col. 10 Ln. 53 – 57,

Also see Abstract).

20.    As to claim 6, Travis is silent with respect to the plurality of objects as stored via

the dynamic object storage scheme are accessible utilizing a recyclable locking

mechanism.

Vicik teaches the plurality of objects as stored via the dynamic object storage scheme

as being accessible utilizing a recyclable locking mechanism.

("...re-use..." Col. 10 Ln. 49 – 57). It would have been obvious to apply the teaching of

Vicik to the system of Travis. One would have been motivated to make such a

modification in order to assign low granularity locks to processes (Col. 10 Ln. 53 – 57,

Also see Abstract).

21.    As to claim 10, Travis is silent with respect to the plurality of objects as stored via

the dynamic object storage scheme are accessible utilizing a recyclable locking

mechanism.

Vicik teaches the plurality of objects as stored via the dynamic object storage scheme

as being accessible utilizing a recyclable locking mechanism.

("...re-use..." Col. 10 Ln. 49 – 57). It would have been obvious to apply the teaching of

Vicik to the system of Travis. One would have been motivated to make such a

modification in order to assign low granularity locks to processes (Col. 10 Ln. 53 – 57,

Also see Abstract).

22.    As to claim 15, Travis is silent with respect to the plurality of objects as stored via

the dynamic object storage scheme are accessible utilizing a recyclable locking

mechanism.

Vicik teaches the plurality of objects as stored via the dynamic object storage scheme

as being accessible utilizing a recyclable locking mechanism.

("...re-use..." Col. 10 Ln. 49 – 57). It would have been obvious to apply the teaching of

Vicik to the system of Travis. One would have been motivated to make such a

modification in order to assign low granularity locks to processes (Col. 10 Ln. 53 – 57,

Also see Abstract).


## *Response to Arguments*

23.    Applicant's arguments with respect to claims 1 – 19 have been considered but

are moot in view of the new ground(s) of rejection.


## *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles E Anya whose telephone number is (703) 305-

3411.  The Examiner can normally be reached on M-F (8:30-6:00) First Friday off.

The fax phone numbers for the organization where this application or proceeding

is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for

After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Charles E Anya
Examiner
Art Unit 2126

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